

Dkt. 75191/JPW/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stan Gronthos and Andrew Zannettino
 U.S. Serial No. : 10/551,326
 Filed : as §371 national stage of PCT
 International Application No.
 PCT/AU2004/000417
 For : PERIVASCULAR MESENCHYMAL PRECURSOR
 CELL INDUCED BLOOD VESSEL FORMATION

1185 Avenue of the Americas
 New York, New York 10036
 March 17, 2006

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**COMMUNICATION FORWARDING SIGNED INVENTORS' DECLARATION
 AND POWER OF ATTORNEY AND TRANSMITTAL OF VERIFIED
 STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
UNDER 37 C.F.R. §1.9(f) AND §1.27(c)**

This Communication is submitted in connection with the above-identified §371 national stage application. The inventors' Declaration and Power of Attorney which was filed with the above-identified §371 national stage application was unsigned. The United States Patent and Trademark Office has not yet issued a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) in connection with the above-identified §371 national stage application, and, pursuant to a January 12, 2006 telephone conversation between Mr. Joshua Whitehill of my office and Mr. Mike Neas of the PCT Help Desk in which Mr. Neas advised Mr. Whitehill that, if an applicant initially filed an unsigned inventors' Declaration, the applicant may file a signed inventors' Declaration without having yet received a Notice of Missing Requirements, this Communication is being timely filed.

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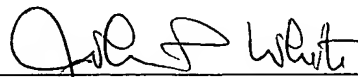
Pursuant to 37 C.F.R. §1.497(a), applicants attach hereto as **Exhibit A** a signed inventors' Declaration and Power of Attorney. In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number.

In addition, applicants attach hereto as **Exhibit B** a Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(c) in connection with the above-identified application signed by authorized official Silviu Itescu on behalf of Angioblast Systems, Inc.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone them at the number provided below.

No fee, other than the \$65.00 declaration surcharge, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400


I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
	March 17, 2006
John P. White	Date
Registration No. 28,678	

EXHIBIT A

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PERIVASCULAR MESENCHYMAL PRECURSOR CELL INDUCED BLOOD VESSEL FORMATION

*the specification of which:
(check one)*

_____ is attached hereto.

X was filed as §371 national stage of PCT/AU2004/000417, filed March 29, 2004 as

Application Serial No. 10/551,326

and was amended on September 28, 2005
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
PCT/AU2004/000417	PCT	March 29, 2004	<u>X</u>	_____
2003901668	Australia	March 28, 2003	<u>X</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefits under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
PCT/AU2004/000417	March 29, 2004	Pending as of September 28, 2005

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Paul Teng (Reg. No. 40,837); Alan J. Morrison (Reg. No. 37,399); Gary J. Gershik (Reg. No. 39,992);

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White, Esq. Reg.No. 28,678

Cooper & Dunham, LLP (Customer Number 23432)

1185 Avenue of the Americas


New York, New York 10036

Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or

first joint inventor Stan Gronthos

Inventor's signature  Date of signature 29/11/2005

Citizenship Australia

Residence same as Postal Office Address

Post Office Address 21 Light Place, Colonel Light Gardens, South Australia, 5041, Australia

Full name of

additional joint inventor(if any) Andrew Zannettino

Inventor's signature  Date of signature 29 NOVEMBER, 2005

Citizenship Australia

Residence same as Postal Office Address

Post Office Address 1 Cypress Court, Highbury, South Australia, 5089, Australia

EXHIBIT B

Applicant or Patentee: Stan Gronthos and Andrew Zannettino Attorney's
Serial or Patent No.: 10/551,326 Docket No.: 75191
Filed or Issued: as §371 national stage of PCT/AU2004/000417
Title of Invention or Patent: PERIVASCULAR MESENCHYMAL PRECURSOR CELL INDUCED
BLOOD VESSEL FORMATION

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9 (f)
AND §1.27 (c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below.

X an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: ANGIOBLAST SYSTEMS, INC.

Address of Concern: 279 East 44th Street, New York, New York 10017, United States of America

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed five hundred (500) persons. For purposes of this verified statement, the number of employees of the business concern is the average number, over the previous fiscal year, of the persons employed by the business concern on a full-time, part-time, or temporary basis during each pay period of the fiscal year, and concerns are affiliates of each other when, either directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

PERIVASCULAR MESENCHYMAL PRECURSOR CELL INDUCED BLOOD VESSEL FORMATION
described in:

 the specification filed herewith as §371 national stage of PCT
 X application serial no. 10/551,936 filed International Application No.
patent no. issued PCT/AU2004/000417, filed March 29, 2004

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below^a and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c)*, any concern which could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or as a nonprofit organization under 37 C.F.R. §1.9(e)*.

Name: _____
Address: _____

Individual Small Business Concern Nonprofit Organization

Name: _____
Address: _____

Individual	Small Business Concern	Nonprofit Organization
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^aNOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small

37 C.F.R. §§1.9(c), 1.9(d), 1.9(e)

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: SILVIO ITCU
Title In Organization: DIRECTOR
Address: 279 EAST 44th STREET, NEW YORK, NY, 10017, USA.
Signature: *[Signature]*
Date Of Signature: 2/14/02

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.